

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: PHILIPS RECALLED CPAP,  
BI-LEVEL PAP, AND MECHANICAL  
VENTILATOR PRODUCTS LIABILITY  
LITIGATION**

This Document Relates to:

*All Personal Injury and Medical Monitoring  
Cases*

Master Docket: No. 21-mc-1230-JFC

MDL No. 3014

**JOINT MOTION FOR ENTRY OF AMENDED SCHEDULING ORDER  
REVISING CERTAIN DEADLINES FOR  
THE PERSONAL INJURY AND MEDICAL MONITORING TRACKS**

Plaintiffs and Defendants, through their undersigned counsel, jointly move the Court to enter the attached proposed scheduling order extending the remaining deadlines for the personal injury and medical monitoring tracks (*see* ECF No. 2355) by 60 days. To date, the Parties have taken more than 40 depositions (including of third parties), over 2 million documents have been produced, and discovery is very far along. However, a number of additional depositions need to take place prior to the existing April 30, 2024 close of general causation fact discovery—including, in particular, depositions of more than 35 medical monitoring plaintiffs. In addition, a number of additional depositions, and potentially additional document productions, need to happen prior to the July 30, 2024 close of all fact discovery. The Parties are continuing to meet and confer cooperatively to schedule these depositions and resolve any outstanding issues, but a brief extension of 60 days should allow the remaining discovery to take place while minimizing the risk of escalating unnecessary discovery disputes to Special Master Katz and even potentially the Court. Finally, in light of Special Master Katz's recent Report and Recommendation (ECF No.

2708), and assuming the Court adopts it, the proposed amended deadlines would afford additional time for SoClean and DWHP to participate in discovery proceedings in this MDL.

For these reasons, the Parties respectfully submit that good cause exists for a modest extension to the existing deadlines, and respectfully request that the Court enter the proposed amended scheduling order.

Dated: April 12, 2024

/s/ Steven A. Schwartz

Steven A. Schwartz  
**CHIMICLES SCHWARTZ KRINER & DONALDSON-SMITH**  
361 Lancaster Avenue  
Haverford, PA 19401  
Tel: 610.642.8500  
steveschwartz@chimicles.com

/s/ Sandra L. Duggan

Sandra L. Duggan  
**LEVIN SEDRAN & BERMAN**  
510 Walnut Street, Ste. 500  
Philadelphia, PA 19106  
Tel: 215.592.1500  
sduggan@lfsblaw.com

/s/ Kelly K. Iverson

Kelly K. Iverson  
**LYNCH CARPENTER LLP**  
1133 Penn Avenue, 5th Floor  
Pittsburgh, PA 15222  
Tel: 412.322.9243  
kelly@lcllp.com

/s/ Christopher A. Seeger

Christopher A. Seeger  
**SEEGER WEISS LLP**  
55 Challenger Road, 6th Floor  
Ridgefield Park, NJ 07660  
Tel: 212.584.0700  
cseeger@seegerweiss.com

Respectfully Submitted,

/s/ John P. Lavelle, Jr.

John P. Lavelle, Jr. (PA 54279)  
Lisa C. Dykstra (PA 67271)  
**MORGAN, LEWIS & BOCKIUS LLP**  
1701 Market Street  
Philadelphia, PA 19103-2921  
Tel: 215.963.5000  
john.lavelle@morganlewis.com  
lisa.dykstra@morganlewis.com

Wendy West Feinstein (PA 86698)

**MORGAN, LEWIS & BOCKIUS LLP**  
One Oxford Center, 32nd Floor  
Pittsburgh, PA 15219-6401  
Tel: 412.560.3300  
wendy.feinstein@morganlewis.com

/s/ Erik T. Koons

Erik T. Koons (admitted pro hac vice)  
Andrew T. George (PA Bar No. 208618)  
**BAKER BOTTS L.L.P.**  
700 K Street, NW  
Washington, DC 20001  
Tel.: 202-639-7700  
erik.koons@bakerbotts.com  
andrew.george@bakerbotts.com

*Counsel for Defendant Philips RS North America LLC*

/s/ Michael H. Steinberg

Michael H. Steinberg

*Plaintiffs' Co-Lead Counsel*

**SULLIVAN & CROMWELL LLP**  
1888 Century Park East  
Los Angeles, CA 90067  
Tel: 310.712.6670  
steinbergm@sullcrom.com

Tracy Richelle High  
William B. Monahan  
**SULLIVAN & CROMWELL LLP**  
125 Broad Street  
New York, NY 10004  
Tel: 212.558.4000  
hight@sullcrom.com  
monahanw@sullcrom.com

*Counsel for Defendants Koninklijke Philips N.V., Philips North America LLC, Philips Holding USA Inc., and Philips RS North America Holding Corporation*

/s/ Eric Scott Thompson  
Eric Scott Thompson  
**FRANKLIN & PROKOPIK**  
500 Creek View Road, Suite 502  
Newark, DE 19711  
Tel: 302.594.9780  
ethompson@fandpnet.com

*Counsel for Defendants Polymer Technologies Inc. and Polymer Molded Products, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 12, 2024, the foregoing document was electronically filed with the Clerk of the Court or served upon counsel of record through the Court's ECF system.

/s/ John P. Lavelle, Jr.  
John P. Lavelle, Jr.